

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:17-cv-97-FDW**

**CORNELIUS DELANE BENTON,**

**Plaintiff,**

**vs.**

**FNU CLIFFTON,  
FNU STREETS,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court on its motion following Plaintiff's return of an incomplete summons as to Defendant FNU Clifton, in which Plaintiff did not include Clifton's address on the summons form. See (Doc. No. 9). Furthermore, Plaintiff does not appear to have returned a summons for Defendant FNU Streets. The Court instructs the Clerk of this Court to mail Plaintiff two summons forms for Plaintiff to fill out and return to the Court for service by the U.S. Marshal.

**IT IS THEREFORE ORDERED** that,

- (1) In accordance with this Order, the Clerk respectfully instructs the Clerk to mail Plaintiff two summons forms for Plaintiff to fill out in accordance with this Order and return to the Court for service by the U.S. Marshal.
- (2) Within 20 days from service of this Order, Plaintiff must submit to the Court completed summons forms for Defendants FNU Clifton and FNU Streets. Plaintiff is **hereby warned** that his failure to submit a summons form for each of these Defendants within 20 days will result in dismissal of Plaintiff's claims against these

Defendants without prejudice for failure to comply with an Order of this Court and  
for failure to prosecute.

**IT IS SO ORDERED.**

Signed: February 16, 2018

A handwritten signature in black ink, reading "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

